

Idaho State Transition Plan

Act Early Waiver, Coming Into Compliance with HCBS Setting Requirements

Public Notice and Request for Comment

Post Date: December 1, 2014

Posted for Public Comment until January 1, 2015

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Purpose

The purpose of this posting is to provide public notice and receive public comments for consideration regarding Idaho Medicaid's Draft Home and Community Based Services Settings Transition Plan for the 1915(c) Act Early Waiver.

Transition Plan

The Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) published regulations in the Federal Register on January 16, 2014, which became effective on March 17, 2014, implementing new requirements for Medicaid's 1915(c), 1915(i), and 1915(k) Home and Community-Based Services (HCBS) waivers. These regulations require the state to submit a transition plan for all the state's 1915(c) waiver and 1915(i) HCBS state plan programs. This plan sets forth the actions Idaho will take to operate services in the Act Early HCBS waiver that are in compliance with the final rules. It is Idaho's effort to comply/demonstrate compliance with the regulations around Home and Community Based (HCB) setting requirements for the Act Early waiver. The federal regulations are 42 CFR 441.301(c)(4)-(6). More information can be found on the [CMS website](#).

Copies may be obtained by printing the HCB Settings Transition Plan and the [Act Early Waiver](#) from this webpage or copies may also be picked up from the Medicaid Central Office located at 3232 Elder St., Boise ID.

Public Comment Submission Process

The state of Idaho's Department of Health and Welfare, Division of Medicaid is seeking public input on the Act Early transition plan. Please take the time to comment on the transition plan.

Comments must be submitted by January 1, 2015. Comments and input regarding the draft transition plan may be submitted in the following ways:

- a) By email: TrenkleF@dhw.idaho.gov
- b) By telephone: (208) 287-1169
- c) By Fax: (208) 332-7286
- d) By written comments sent to:
Frede' Trenkle-MacAllister
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P.O. Box 83720
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All comments will be tracked and summarized. The summary of comments in addition to a summary of modifications made in response to the public comments will be added to the HCB Settings Transition Plan. In cases where the state's determination differs from public comment, the additional evidence and rationale the state used to confirm the determination will be added to the Transition Plan as well. The Transition Plan will then be submitted to CMS. The updated Transition Plan will be reposted once it is submitted and accepted by CMS.

Transition Plan Summary

States must assess and determine whether settings have the qualities and characteristics of an institutional setting as described by CMS' final HCBS rule. Idaho has identified that all children who receive Act Early waiver services live in their own homes which are presumed to meet the requirements of home and community. Idaho's analysis of its non-residential HCBS settings is currently underway. Idaho will complete this analysis and determine if remediation is needed pending further guidance from CMS regarding these types of settings. The Transition Plan describes Idaho's work to date in relationship to these requirements as well as its plans for completing that assessment.

The plan further outlines Idaho's intentions for coming into full compliance with all setting requirements.

ACT EARLY WAIVER

1915(C)

HCBS TRANSITION PLAN

Overview

The intention of the rule is to ensure that individuals receiving long-term services and supports through the Act Early Waiver have full access to the benefits of community living and the opportunity to receive services in the most integrated settings appropriate. In addition, the new regulations aim to enhance the quality of home- and community-based services (HCBS) and provide protections to participants.

Idaho Medicaid initiated a variety of activities beginning in July of 2014 designed to engage stakeholders in the development of this transition plan. The engagement process began with a series of web-based seminars that were hosted in July through September and which summarized the new regulations and solicited initial feedback from a wide variety of stakeholders. All HCBS providers, participants, and advocates were invited to attend these seminars. The state also launched an HCBS webpage, www.HCBS.dhw.idaho.gov, hosting information about the new regulations, FAQs, and progress updates regarding the development of Idaho's draft transition plan. The webpage contains an "Ask the Program" feature whereby interested parties are encouraged to submit comments, questions, and concerns to the project team at any time. Additional opportunities were established to share information and for stakeholders to give input regarding the new regulations and Idaho's plans for transitioning into full compliance.

Non-Residential Settings: Assessment and Remedial Strategies

Idaho has identified that all children who receive Act Early waiver services live in their own homes which are presumed to meet the requirements of home and community. Idaho's analysis of its non-residential HCBS settings is currently underway. Idaho will complete this analysis and determine if remediation is needed pending further guidance from CMS regarding these types of settings.

Public Input Process

Summary of the Public Input Process

The state implemented a collaborative, multifaceted approach to solicit feedback from the public to assist with the review of the HCBS requirements.

1. In order to share information with providers, associations, consumer advocacy organizations, participants, and other potentially interested stakeholders about the new HCBS requirements, the state created a webpage that includes a description of the work underway and access to relevant information from the state and CMS regarding the HCBS requirements. The webpage was launched the first week of August 2014.

2. The webpage includes an “Ask the Program” feature where readers can email the program directly with questions and comments at any time. This option has been available for stakeholders since the webpage went live and will remain a tool on the webpage.
3. In August 2014, the state posted general information about this work and a link to the state’s HCBS webpage on the provider billing portal (Molina). Information was also included in the Medicaid Newsletter, a newsletter sent to all Medicaid providers.
4. In order for the state to collaborate with participants on the new HCBS requirements, it offered information to several advocacy groups including the Idaho Parents Unlimited, Inc. and the Idaho Council on Developmental Disabilities. The state also requested that children’s case managers distribute information to participants about how to access the HCBS webpage and to advise them that the draft transition plan will be available for public comment.
5. Stakeholder meetings were conducted via a series of WebEx presentations. A series of five WebEx meetings were held during the months of July, August, and September 2014. They were designed to educate providers about the new regulations, to share information about Medicaid’s plans and assessment outcomes, and to solicit feedback from providers, associations, consumer advocacy organizations, participants, and other potentially interested stakeholders.
6. Stakeholders have access to the WebEx series that the state presented on the state’s webpage. This includes the PowerPoint presentations as well as audio recordings of the WebEx meetings.
7. The work with the provider groups and the stakeholder WebEx meetings are expected to continue well into next year.
8. The regulation requires that states provide a minimum of 30-day public notice period for the state’s transition plan and two options for public input. To meet this requirement, Idaho has done the following:
 - The draft transition plan, as well as information about how to comment, is posted on the Children’s Developmental Disabilities website: (www.childrengddservices.dhw.idaho.gov) on December 1, 2014 through January 1, 2015.
 - Free copies of the draft transition plan and the Act Early waiver were placed in the Medicaid State Central office December 1, 2014 through January 1, 2015 for stakeholders to access.
 - A tribal solicitation letter was e-mailed and sent via US mail to the federally recognized Idaho tribes as well as the Northwest Portland Area Indian Health Board, which works closely with Idaho tribes as a coordinating agency. Solicitation letters were also uploaded onto a website designed specifically for communication between Idaho Medicaid and Idaho tribes.
 - A legal notice was also published in four major Idaho newspapers: Idaho Statesman, Idaho Press Tribune, Idaho State Journal, and the Post Register.